IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15613 of 2005

Between:

Chebrolu Chalapati Rao S/o Late Venkaiah
R/o Venkatayapalem Khammam

Urban Mandal, Khammam District

..... PETITIONER

AND

1 The Mandal Revenue Inspector, Khammam

Urban Mandal, Khammam District
2 The Mandal Revenue Officer, Khammam

Urban Mandal, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondent No.1 in issuing the impugned notice in Rc. No. MRI I/141/05, dt 8-7-2005 as illegal arbitrary, without power or authority offending Art. 14, 21 and 300A of the Constitution of India and consequentially to the direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over an extent of Ac. 3.20 gts of land in Sy. No. 172/A of V. Venkatayapalem Village, Khammam Urban Mandal, Khammam District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.SUDHIR KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Seeking a Mandamus, declaring the action of the 1st respondent in issuing the impugned notice in Rc.No.MRI I/141/05, dated 08.07.2005, as illegal and arbitrary, and consequentially direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over an extent of Ac.3.20 cents of land situated in Sy.No.172/A of V.Venkatayapalem village, Khammam Urban Mandal, Khammam District, the present writ petition is filed.

The petitioner claims to be the owner and possessor of the land mentioned in the writ petition and enjoying the same since 1965. In the meanwhile, the 1st respondent, without any manner or right or authority, issued the impugned notice requiring the petitioner to produce documents of title and threatened to evict him from the land in question. The petitioner made a personal appearance before the 1st respondent and put forth the material, but the respondents threatened to evict him from the land in question. Therefore, the petitioner is constrained to approach this Court by filing this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

In the impugned notice, it is mentioned that the land in question was recorded in the name of one Tagaram Buchaiah, but not in the name of the petitioner herein, and further mentioned that the petitioner is an unauthorized occupier of the said land and he was asked to produce evidence. If that being the case, it is for the affected party

to claim the land in question and if any dispute arises with regard to that land, it is for the aggrieved party to approach competent Court of law for redressal. The 1st respondent has no jurisdiction or right or authority to issue the impugned notice calling the petitioner to produce evidence of title with regard to the land in question. This Court satisfied that the impugned order passed by the 1st respondent is without jurisdiction and is liable to be set aside.

Accordingly, the Writ Petition is allowed, setting aside the impugned notice dated 08.07.2005 issued by the 1st respondent. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 19.07.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Mandal Revenue Inspector,

Khammam Urban Mandal,

Khammam District

2. The Mandal Revenue Officer,

Khammam Urban Mandal,

Khammam District

3. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies

5. 1 CC to MR.SUDHIR KUMAR

*Form-NIC-OGS/WP{**TRT**}*